

REMARKS

I. Status of Claims

Upon entry of the Amendment, which is respectfully requested, claims 1-3 and 5-19 will be pending in the application.

Claims 1-3 and 5-19 are amended to delete the recitation of a prodrug and to comply with the Restriction and Species Election made on December 26, 2007.

Claims 4 and 20-22 are canceled without prejudice or disclaimer.

No new matter is added.

II. Information Disclosure Statements

At page 2 of the Office Action, the Examiner indicates that the Information Disclosure Statements (IDS) submitted on October 1, 2004 and March 23, 2007 have been considered. However, the Examiner is also requested to consider the references listed in the IDS filed on March 20, 2008.

II. Response to Rejection Under 35 U.S.C. §§ 101/112, second paragraph

Claim 22 is rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Claim 22 is further rejected under 35 U.S.C. §101 as being of improper form.

Applicants respectfully submit that in view of the cancellation of claim 22, the rejection is rendered moot.

III. Rejection Under 35 U.S.C. § 112, first paragraph – enablement

Claims 20-21 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Applicants respectfully submit that in view of the cancellation of claims 20-21, the rejection is rendered moot.

IV. Response to Rejection Under 35 U.S.C. § 102

Claims 1-2 and 5-7 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by XP-002419112. At page 19 of the Office Action, the Examiner indicates that the benzamide compound of the reference anticipates Applicant's claims when X is –CONH and Z is phenyl substituted with amino.

Applicants respectfully traverse.

Claims 1 and 2 are amended to delete the recitation of the $-C(=O)N(R^6)-$. The instant compounds no longer encompass compounds having the $-C(=O)N(R^6)-$ moiety, and therefore, are patentably distinguishable over the compounds of XP-002419112.

In view of the above, Applicants request reconsideration of the §102 rejection of claims 1, 2 and 5-7.

V. Allowable Subject Matter

Claims 3 and 8-19 are objected to as being dependent on a rejected base claim, but would be allowable if re-written in independent form.

In view of the above, Applicants respectfully submit that claims 1 and 2 are now in condition for allowance. Therefore, claims 3 and 8-19 are also patentable at least by virtue of their dependence from claims 1 and 2.

Therefore, reconsideration and withdrawal of the objection to claims 3 and 8-19 is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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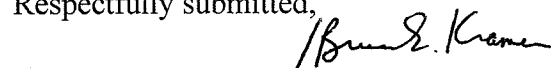
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Respectfully submitted,


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